S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4482/2007
(Shrawanlal Vs. State of Rajasthan)

DATE OF ORDER : 25/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. S.S.Shaktawat for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that at the time of recovery of the contraband opium, it was co-accused Satyanarain who was riding the motor cycle and from whose possession the contraband opium has been recovered. Learned counsel further submits that Satyanarain alleged to have purchased the opium from one Banshilal who has been granted bail under Section 438 Cr.P.C. by a Co-ordinate Bench of this Court vide order dated 1.8.2007. So far as the present petitioner is concerned, the allegation against him is that the registration of the motor cycle stands in his favour. Learned counsel for the petitioner has placed on record photo copy of the document showing the purchase of motor cycle involved in the case by co-accused Satyanarain from the petitioner. The document bears the signature of the petitioner, and Satyanarain from whose possession the contraband opium was recovered. Learned counsel submits that the original sale transaction document has been submitted to the police.

Looking to the facts and circumstances of the case and the facts that at the relevant time of occurrence, the petitioner was not alleged to be with the co-accused Satyanarain and co-

accused Banshilal has been released on anticipatory bail, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Shrawanlal S/o Shri Gehru Lal, in FIR No. 59/2007 P.S. Raashmi, district Chittorgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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